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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUNTY OF SANTA CRUZ, CALIFORNIA;
CITY OF SANTA CRUZ, CALIFORNIA;
VALERIE CORRAL; ELADIO V. ACOSTA;
JAMES DANIEL BAEHR; MICHAEL
CHESLOSKY; JENNIFER LEE HENTZ;
DOROTHY GIBBS; HAROLD F. MARGOLIN;
and WO/MEN'S ALLIANCE FOR MEDICAL
MARIJUANA

Plaintiffs,

v.

ALBERTO GONZALES, Attorney General of
the United States; KAREN P. TANDY,
Administrator of the Drug Enforcement
Administration; JOHN P. WALTERS, Director of
the Office of National Drug Control Policy; and
30 UNKNOWN DRUG ENFORCEMENT
ADMINISTRATION AGENTS,

Defendants.

Case No.: 03-CV-1802 JF

**STIPULATION AND
ORDER EXTENDING TIME TO
FILE AMENDED COMPLAINT**

No hearing requested

Complaint Filed: April 23, 2003
Judge: Hon. Jeremy Fogel

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FILE AMENDED COMPLAINT

1 Plaintiffs and Defendants, through their counsel of record, stipulate as follows:

2 1. On April 21, 2004, this Court issued an Order Granting Plaintiffs' Motion
3 for Reconsideration, granting Plaintiffs leave to amend the complaint within 90 days. (Docket
4 No. 96).

5 2. On May 10, 2004, this Court stayed this action "pending the outcome of
6 the Government's Petition for Writ of Certiorari to the United States Supreme Court in *Raich v.*
7 *Ashcroft*, Ninth Cir. Case No. 03-15481, the Ninth Circuit's decision in the Related Case of
8 *Wo/Men's Alliance for Medical Marijuana, et al., v. United States*, Ninth Cir. Case No. 03-
9 15062, and any subsequent petitions and or appeals in those cases." (Docket No. 104)

10 3. On September 20, 2005, the Ninth Circuit reversed this Court's grant of a
11 preliminary injunction in the above-captioned case, granting the Appellants' unopposed motion
12 for summary disposition.

13 4. Plaintiffs currently must file an amended complaint on or before
14 November 30, 2004.¹

15 5. Since the filing of the original Complaint over two years ago, facts and
16 circumstances relevant to this action have changed, including the deaths of two of the named
17 member-plaintiffs. Plaintiffs' counsel have been interviewing members and gathering
18 information necessary to amend the Complaint. Due to the length in time since the original
19 Complaint was filed, Plaintiffs' counsel anticipates that additional time is needed to complete its
20 fact gathering and amendments to Plaintiffs' Complaint.

21 6. Plaintiffs hereby request that the Court enter an Order extending Plaintiffs'
22 time to file an amended complaint to January 30, 2006. Defendants do not oppose Plaintiffs'
23 request.

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26 _____
27 ¹ 19 of Plaintiffs' 90 days to file an amended complaint elapsed from April 21 through May 10,
28 2004. November 30, 2005 is 71 days from September 20, 2005, the date the stay imposed by the
Court's May 10, 2004 Order was lifted.

1 DATED: November 22, 2005

BINGHAM McCUTCHEN LLP

2
3 By: /s/
4 Frank Kennamer
5 Attorneys for WAMM Plaintiffs

6 DATED: November 22, 2005

7
8 By: /s/
9 Gerald Uelmen
Attorneys for County of Santa Cruz and WAMM
Plaintiffs

10 DATED: November 22, 2005

ATCHISON, BARISONE & CONDOTTI

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12 By: /s/
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5 Santa Cruz, CA 95060
6 Attorneys for WAMM

7
8 DATED: November 16, 2005

UNITED STATES ATTORNEY'S OFFICE

9 By: /s/
10 Mark T. Quinlivan
11 Attorneys for Defendants

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 DATED: Nov. 28, 2005

s/electronic signature authorized

14 Hon. Jeremy Fogel
15 U.S. District Court Judge
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